

In re application of: KRAMER, M., et al.  
Appln. No.: 09/787,559  
Examiner: Angell, J.

## **REMARKS**

### **I.     Introduction**

In the claim listing submitted herewith, claims 2 and 3 are amended and new claims 32 and 33 are added. Support for the amendments may be found throughout the specification. Applicants submit that the amendments place the claims in condition for allowance and respectfully request their entry. No new matter has been added.

### **II.    Amendments Discussed During Interview**

Applicants thank the Examiner for the telephone interview which took place on January 11, 2008. Examiner J. Eric Angell and the undersigned, Blair R. Lanier Reg. No. 56,910, were present. During the interview, the Examiner stated that he believed the amendment to claim 2, as set forth in the claim listing submitted herewith, would completely address the pending 35 U.S.C. §102 and 35 U.S.C. §112 rejections, such that those rejections would be withdrawn. Hence, Applicants respectfully submit that Applicants have complied with the Examiner's requirements and that the claims are in condition for allowance.

Additionally during the interview, the pending objection to claim 3 was discussed. The Examiner agreed that the amendment to claim 3 and the addition of new claims 32 and 33, as set forth in the claim listing submitted herewith, would obviate the objection to claim 3. Hence, Applicant respectfully requests that the rejection to claim 3 be withdrawn.

### **III.   Inventorship**

The Examiner asserts that the priority document PCT/DE99/02865 omits Kramer as an inventor but that Kramer is listed as an inventor on the present application, and requests the Applicant explain or correct the discrepancy. However, upon careful inspection, Applicants find no discrepancy because PCT/DE99/02865 lists Kramer as an inventor under field code (72) of

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the publication WO 00/17232. The Manual of Patent Examination Procedure (MPEP) § 901.05(b) defines the field codes as follows:

- (71) Name(s) of applicant(s)
- (72) Name(s) of inventor(s) if known to be such
- (73) Name(s) of grantee(s), holder(s), assignee(s) or owner(s)
- (74) Name(s) of attorney(s) or agent(s)
- (75) Name(s) of inventor(s) who is (are) also applicant(s)
- (76) Names(s) of inventor(s) who is (are) also applicant(s) and grantee(s)

The MPEP further explains that:

(75) and (76) are intended primarily for use by countries in which the national laws require that the inventor and applicant be normally the same. In other cases (71) or (72) or (71), (72) and (73) should generally be used.

Hence, Michael Kramer is correctly listed as an inventor under field code (72) of the priority document, and no discrepancy exists between those inventors listed in the priority PCT application and in the declaration filed June 18, 2001 of the present application. For the Examiner's convenience and clarification, Applicants submit herewith two pages of bibliographic information relating to PCT/DE99/02865 that list Michael Kramer as an inventor.

#### **IV. Additional Matters**

The Examiner objects to claims 17 and 30 as being dependent upon a rejected base claim. Applicants respectfully submit that the amendment to claim 2 places the base claim in condition for allowance and thereby renders moot the objection to claims 17 and 30.

#### **V. Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. The

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Commissioner is hereby authorized to charge any deficiencies or credit any overpayment of fees associated with this application to Deposit Account No. 50-0951.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

AKERMAN SENTERFITT

/Blair R. Lanier/

**Date: February 14, 2007**

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